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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODE

AMENDMENT

MULTICOUNTY: Mid–Peninsula Regional Open Space District

A written comment period has been established commencing on **May 7, 2010** and closing on **June 21, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45–day comment period, the proposed conflict of interest code(s) will be submitted to the Commission’s Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above–referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re–submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than June 21, 2010. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve code as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re–submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **June 10, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 8, 2010**.

BACKGROUND/OVERVIEW

The Commission is considering modifying Regulation 18247.5 concerning the statutory definitions of primarily formed and general purpose committees. Regulation 18247.5 was adopted in December 2008 to clarify the statutory definitions of “primarily formed committee” and “state, county, or city general purpose committee” contained in Sections 82047.5 and 82027.5 of the Political Reform Act (“Act”).¹ The Commission perceived the need for the regulation because callers frequently ask the FPPC’s Technical Assistance Division whether a committee must disclose as primarily formed, or whether a general purpose committee should file with the Secretary of State, or with the county or city clerk. Before Regulation 18247.5 was adopted, there was minimal guidance on these questions contained in the FPPC campaign manuals and several advice letters. In addition, the Commission’s Enforcement Division perceives a need for greater clarity in this area.

Interested persons and staff met to discuss the operation of Regulation 18247.5 on April 13, 2010. In response to comments received at that meeting and concerns raised previously, staff is proposing modifications to the primarily formed and general purpose committee regulation to make the determination of type of committee and where to file easier, while retaining the guidance provided by the regulation.

REGULATORY ACTION

Because numerous revisions to Regulation 18247.5 are proposed, the Commission is considering repeal of the current Regulation 18247.5 and adoption of new

regulations. Responding to comments from the interested persons meeting, staff proposes splitting the existing regulation into two separate regulations, one addressing general purpose committees and one addressing primarily formed committees.

Adopt 2 Cal. Code Regs. § 18227.5 — General Purpose Committees — State, County or City:

The Act defines the term “general purpose committee” and divides general purpose committees into state, county or city committees. Section 82027.5 provides:

“(a) ‘General purpose committee’ means all committees pursuant to subdivision (b) or (c) of Section 82013, and any committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose more than one candidate or ballot measure, except as provided in Section 82047.5 [defining primarily formed committee].

“(b) A ‘state general purpose committee’ is a political party committee, as defined in Section 85205, or a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.

“(c) A ‘county general purpose committee’ is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.

“(D) A ‘city general purpose committee’ is a committee to support or oppose candidates or measures voted on in only one city.”

Whether a general purpose committee is considered a state, county, or city committee determines where the committee files its campaign statements under Section 84215.

For general purpose committees, proposed Regulation 18227.5 provides that a committee making contributions and expenditures on state candidates and measures is a state committee. The regulation defaults to state level electronic disclosure when a committee is actively supporting and opposing state candidates and measures, and candidates and measures in multiple cities or counties. Under the regulation, a committee making contributions and expenditures within one city or county, and not making more than a limited amount of contributions outside the city or county, files with that jurisdiction.

Repeal and readopt 2 Cal. Code Regs. § 18247.5 — Primarily Formed Committees:

The Act defines a “primarily formed committee” in Section 82047.5 as follows:

“‘Primarily formed committee’ means a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose any of the following:

¹ Government Code Sections 81000–91014. Commission regulations appear at Title 2, Sections 18109–18997, of the California Code of Regulations. References to “Section” are to the Government Code, and references to “Regulation” are to Title 2 of the California Code of Regulations, unless otherwise indicated.

- (a) A single candidate.
- (b) A single measure.
- (c) A group of specific candidates being voted upon in the same city, county, or multicounty election.
- (d) Two or more measures being voted upon in the same city, county, multicounty, or state election."

Committees primarily formed or existing for a particular candidate or measure have heightened disclosure requirements preceding an election, compared to general purpose committees. They must automatically file two pre-election statements and must file 24-hour reports for contributions received. (Sections 84200.5 and 85309.) Primarily formed committees must also include the candidate name or measure number in their name, and disclose the top two \$50,000 donors on ads for ballot measures. (Sections 84107, 84503, and 84504; Regulations 18402 and 18450.1.) They are subject to mandatory audit.

For primarily formed committees, proposed new Regulation 18247.5 provides that a committee may designate itself as primarily formed on its statement of organization if it is formed or existing for the primary purpose of supporting or opposing a candidate or measure. In addition, the regulation provides that a committee is considered to be primarily formed to support or oppose a candidate or measure if it makes a certain threshold percentage and dollar amount of its contributions and expenditures to support or oppose that candidate or measure during a specified time period before the candidate or measure's election.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. In addition, the Commission may consider, based on how or how much the committee spends its funds on contributions or expenditures, or based on the committee's pattern of spending over a specified period of time, other criteria to determine when a committee is primarily formed and when a general purpose committee is a city, county or state committee.

FISCAL IMPACT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Sections 83112 and 83113 provide that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code Sections 82027.5 and 82047.5.

CONTACT

Any inquiries concerning this proposal should be made to Hyla Wagner, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone: (916) 322-5660, hwagner@fppc.ca.gov. Proposed regulatory language can be accessed at www.fppc.ca.gov. Updated regulatory language may be provided for public comment no later than May 31, ten days before the Commission's June 10, 2010 meeting.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1766. DESIGNATED RACES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1766, Designated Races. The proposed amendment provides that suspended jockeys or drivers, who participate in more than one designated race in California, or in one or more designated race in another jurisdiction while under suspension in California, shall complete their term of suspension on the equivalent day of the week following the day on which they participated in the designated race(s).

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 22, 2010**, or as soon after that as

business before the Board will permit, at the **Del Mar Simulcast Facility, Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on June 21, 2010**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6022
E-mail: HaroldC@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: sections 19440 and 19460, Business and Professions Code.

Reference cited: sections 19460, 19461 and 19520, Business and Professions Code.

Business and Professions Code sections 19440 and 19460 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19460, 19461 and 19520 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 states all licenses granted under this chapter shall be in writing and are subject to all rules, regulations, and conditions from time to time prescribed by the Board. Business and Provisions Code

section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19520 states every person who participates in, or has anything to do with, the racing of horses shall be licensed by the Board pursuant to rules and regulations that the Board may adopt. No person required to be licensed by this article may participate in any capacity in any horse race meeting without a valid and unrevoked license authorizing that participation.

Rule 1766 requires the board of stewards appointed for a race meeting to designate certain races in which a jockey or driver who is under suspension for ten days or less may participate despite the fact that the jockey or driver is technically under suspension at the time the race is run. Designated races are typically those with a higher level of horse and larger purses.

Rule 1766 allows a jockey or driver who is under suspension for ten days or less to participate in one designated race on a particular day, and still have that day count as a day of suspension. This exception is granted because jockey/driver suspensions of ten or fewer days are usually the result of minor riding/driving infractions. Jockeys and drivers are often engaged for higher quality races well in advance of the race date, and preventing suspended jockeys or drivers from participating in such races may have the unintended effect of punishing one horse owner for a jockey's or driver's infraction committed while riding/driving another owner's horse. The exception also allows the jockey or driver the possibility of earning some income during his or her suspension. If jockeys or drivers do not participate in a race, they do not have the possibility of earning a fee. However, if a jockey or driver participates in more than one (California) designated race in one day, or one or more designated race in another jurisdiction, that day shall not count as a day of suspension. These caveats are meant to discourage suspended jockeys and drivers from taking advantage of the exception by participating in multiple designated races in a single day, or from simply leaving California to ride in out-of-state races.

In cases where the suspended jockey or driver participates in more than one designated race in a day, or one or more designated race in another jurisdiction, the board of stewards will issue a ruling suspending the jockey or driver for one additional day; in effect, the ruling states the day on which the jockey or driver will complete his or her original suspension.

Some have suggested that Rule 1766 allows jockeys and drivers to "pick and choose" the suspension days they serve. The typical race week runs Wednesday

through Sunday. The long weekend — Friday through Sunday — attracts a larger fan base, so it may feature better races with higher purses. Conversely, Wednesdays and Thursdays often have fewer high quality races and lower purses. A jockey or driver who is on suspension Friday, Saturday and Sunday may decide to ride/drive in more than one designated race on Saturday with the expectation of serving an additional suspension day the following Wednesday or Thursday; the “bread and butter” days with less rewarding purses. The jockey/driver chose to take the chance of a bigger pay check on Saturday, with the penalty of not riding/driving on a day that might not offer such a high return. To prevent the actual or perceived manipulation of suspension days, the Board proposes to amend Rule 1766 by adding subsection 1766(h). The new subsection provides that jockeys and drivers who participate in more than one designated race in California, or who participate in one or more designated race in another jurisdiction, shall complete their term of suspension on the equivalent day of the week following the day on which they participated in the designated race(s). This means the jockey/driver who rode/drove in more than one designated race on a Saturday, would complete his or her term of suspension the following Friday, Saturday or Sunday; days that tend to feature the same quality of races. The new subsection 1766(h) will also provide consistency throughout California. All boards of stewards issue rulings to add additional days of suspension for jockeys or drivers who participated in more than one designated race in California, or one or more designated race in another jurisdiction. However, not all boards of stewards would add an equivalent day; the practice varies from track to track. Subsection 1766(h) provides direction for boards of stewards and ensures all suspended jockeys/drivers will understand the consequences of when and where they choose to ride/drive in designated races.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1766 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1766 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1766 does not have an effect on small businesses because it does not apply to small businesses. Rule 1766 requires that a suspended jockey or driver who participates in more than one designated race a day in California, or who participates in one or more designated race in another jurisdiction, shall serve a subsequent day of suspension on an equivalent day of the week following the day in which the jockey/driver participated in the designated race(s).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to

Harold Coburn, Regulation Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
E-mail: HaroldC@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Colleen Germek, Regulation Analyst
Telephone: (916) 274-6049

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

TITLE 4: BUSINESS REGULATIONS

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, at the above address, as of the date this notice is published in the Notice Register. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person, at the address, phone numbers, or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes clearly marked — shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

NOTICE OF PROPOSED RULEMAKING

Pursuant to Section 44520(b) of the Health and Safety Code, the regulations being amended herewith by the California Pollution Control Financing Authority (the "Authority") are, by legislative mandate, necessary for the implementation of small business assistance and the immediate preservation of public space, health and safety, and general welfare.

PROPOSED REGULATORY ACTION

The Authority proposed to amend Sections 8034, 8035, 8042 and 8043 of Title 4 of the California Code of Regulations (the "Amended Regulations") concerning the administration of the California Pollution Control Financing Authority's Bond Program. These Amended Regulations are necessary to implement, interpret, and make specific Articles 3 and 4 of the California Pollution Control Financing Authority Act (the "Act").

AUTHORITY AND REFERENCE

Authority: Sections 44520(a), 44525(a), and 44548(a)(2) Health and Safety Code. Sections 44520(a), 44525(a), and 44548(a)(2) of the Act authorize the Authority to adopt necessary regulations to charge reasonable application and project fees to reimburse the Authority for cost incurred in administering applications for financing.

Reference: Sections 44525(a) and 44548(a)(2) of the Health and Safety Code. These Amended Regulations implement, interpret, and make specific sections of the Act

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Authority to charge reasonable application and project fees to reimburse the Authority for costs incurred in administering applications for financing pursuant to Section 44525 of the Health and Safety Code.

Under existing law, the Authority shall adopt regulations for the operation of the small business assistance fund, the amounts and any payment schedule or the fees, charges, or deposits, eligibility standards for small businesses desiring to use or benefit from the small business assistance funds, and other matters the Au-

thority determines to be necessary for the establishment and maintenance of small business assistance funds. (Health and Safety Code, § 44548(a)(3)).

The proposed amendments add a general fee category, amend the small business fund assistance fees and make clarifying changes to existing regulations. These amendments are the result of periodic evaluation of the regulations and issues encountered during specific loan transactions. The proposed amendments and objectives for each section are as follows:

Section 8034. Addition of a new annual fee category. Any bond issued that is not eligible for allocation of volume cap will be assessed a fee of one tenth of one percent (.001) of the face value of the bonds issued, and then an annual fee of five one-hundredths of one percent (.0005) of the outstanding balance yearly (minimum annual fee of \$1,000 and a maximum annual fee of \$75,000).

Section 8035. The proposed change to this section reduces the current maximum SBAF fee from one percent (.01) to sixty-six one-hundredths of one percent (.0066) of the face value of any tax exempt bonds issued.

Section 8042. Addition of a section defining the types of projects that small businesses will now be required to pay the annual fee under Section 8034 — General Fees. Also, small businesses that have received \$25,000,000 in bond financing will no longer qualify for small business assistance.

Section 8043. Clarification of eligibility related to Section 8042. Projects submitted by eligible small businesses that are not eligible for volume cap allocation would be required to pay general fees, as outlined in Section 8034 (a).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500–17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the Amended Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Assessment regarding effect on jobs/businesses: The Amended Regulations will not have a significant effect on the creation or elimination of jobs in California; significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Cost impact on a representative private person or business: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business: The Amended Regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

CONSIDERATIONS OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested parties to present statements with respect to alternatives to the Amended Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Samantha Russell, Analyst
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 654-6061
Fax: (916) 657-4821
Email: srussell@treasurer.ca.gov

Michael Paparian, Executive Director
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 657-4921
Fax: (916) 657-4821
Email: mpaparian@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends at **5:00 p.m. on June 21, 2010**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority. In the event that substantial changes are made during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

AVAILABILITY AND INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this notice, the Initial statement of Reasons and the proposed text of the Amended Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcf/>.

PUBLIC HEARING

A public hearing regarding the Amended Regulations has been scheduled for **1:00 p.m. until business is concluded on Tuesday June 22, 2010** at 915 Capitol Mall, Room 470, Sacramento, CA 95814.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Amended Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/cpcf/>.

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

NOTICE OF PROPOSED RULEMAKING ER-05-09

TITLE 10: CALIFORNIA CODE OF REGULATIONS CHAPTER 5.6 ACCESS FOR INFANTS AND MOTHERS PROGRAM

AMEND SECTION 2699.202

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on June 21, 2010, at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of

technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
Attn: Dianne Knox
1000 G Street, Suite 450
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to dknox@mrrib.ca.gov. Comments must be received by no later than 5:00 p.m. on June 21, 2010.

AUTHORITY AND REFERENCE

Authority: Insurance Code section 12696.05

Reference: Insurance Code sections 12696, 12696.05 and 12696.15.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement:

The AIM statute requires that MRMIB “shall administer the program in a manner that ensures that program expenditures do not exceed amounts available in the [Perinatal Insurance] fund.” Thus, AIM is not an entitlement program, i.e., a program in which all eligible applicants are entitled to enrollment; to the contrary, the quoted language confers a statutory obligation to maintain the program’s fiscal integrity by limiting enrollment to the extent necessary to manage within available funds. In light of the state’s dire fiscal situation, it is foreseeable that MRMIB could be required to close the AIM program to new enrollment during the current fiscal year or the Budget Year (2010–11).¹

In addition to the statewide budget crisis, which raises an ongoing question of available funds for *all* non-entitlement programs, the available information on the current AIM appropriation and costs indicates a

significant risk that, either in the current fiscal year or in the Budget Year, funding for the AIM program will be insufficient to cover all eligible women.

MRMIB has monitored the AIM budget throughout the current calendar year. Earlier in the current fiscal year, MRMIB concluded that the program would have insufficient funds to enroll new subscribers beginning in January, 2010. Based on updated information, MRMIB later revised its fiscal projections; MRMIB now *tentatively* concludes that sufficient funding is likely to be available for the current fiscal year. However, this revised estimate is based *solely* on the reality that fewer women than expected are enrolling in the program; this may be because of financial downturns within the AIM target population that make it more difficult for many lower-income women to afford the program premiums (one and one-half percent of income). Furthermore, state funding for AIM comes from the Proposition 99 Cigarette and Tobacco Products Surtax, which is apportioned among a number of state programs and in recent years has been a shrinking revenue source.

Therefore, while MRMIB will not be obligated to close AIM enrollment in January, 2010 as previously expected, there continues to be a substantial risk that MRMIB will be obligated to close AIM enrollment because of insufficient funds. Depending on the enrollment trend in AIM, the AIM appropriation in Governor’s proposed 2010–11 Budget (released in January) and the Legislature’s action on the proposed budget, MRMIB could be required to limit AIM enrollment even before the end of this fiscal year.

In order to ensure that MRMIB complies with its statutory duty to maintain the fiscal integrity of the AIM program, it is essential that the regulations in effect if and when MRMIB closes the program to new enrollment are clear and enforceable. The regulations must be consistent with current program operations and must give the public adequate notice of the applicable rules.

Existing Law:

Insurance Code section 12696.15 requires that MRMIB “administer the [AIM] program in a manner that ensures that program expenditures do not exceed amounts available in the [Perinatal Insurance] fund.” Current AIM regulations comply with this requirement by specifying the process through which the program will close to new enrollment when there are insufficient funds. The proposed regulations modify the current regulations to implement standards that are more clear and specific; place additional public accountability on the board; and conform to actual program operations.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

¹ In November 2009, a new report by the Legislative Analyst (November 2009) estimated that California officials will face an additional budget gap of nearly \$21 billion over the next year and a half. (“The 2010–11 Budget: California’s Fiscal Outlook”; available at http://www.lao.ca.gov/2009/bud/fiscal_outlook/fiscal_outlook_111809.pdf.)

FISCAL IMPACT ESTIMATES

This proposal does not impose a mandate on local agencies or school districts for which reimbursement would be required pursuant to Part 7 commencing with Section 17500 of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies, or cost or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESS

The proposed regulation will not have a significant statewide adverse economic impact directly affecting business/small business, including the ability of California businesses to compete with businesses in other states, since it would simply give the Managed Risk Medical Insurance Board flexibility as to when the Community Provider Plan designation must occur.

**ASSESSMENT REGARDING EFFECT
ON JOBS/BUSINESSES**

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California

**COST IMPACTS ON REPRESENTATIVE PERSON
OR BUSINESS**

The proposed regulatory changes would adversely impact some new AIM applicants if MRMIB was required to limit AIM enrollment, due to insufficient funds as required by statute.

EFFECT ON HOUSING COSTS

The MRMIB is not aware of any effect on housing costs.

ALTERNATIVES

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 324-0592

or

Randi Turner
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 327-8243

INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.ca.gov.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.mrmib.ca.gov.

TITLES 13 AND 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS TO THE REGULATIONS TO REDUCE EMISSIONS FROM DIESEL ENGINES ON COMMERCIAL HARBOR CRAFT OPERATED WITHIN CALIFORNIA WATERS AND 24 NAUTICAL MILES OF THE CALIFORNIA BASELINE

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to the regulations affecting commercial harbor craft (title 17, California Code of Regulations (CCR) section 93118.5 and title 13, CCR section 2299.5).¹ These amendments will further reduce emissions of diesel particulate matter (PM) and oxides of nitrogen (NO_x) from diesel engines on commercial harbor craft operating in any California port, roadstead or terminal facility, or within all California inland waters; all California estuarine waters; and within 24 nautical miles, except as otherwise specified in this proposal, of the California baseline (collectively referred to hereinafter as “Regulated California Waters”). The Board adopted regulations affecting Commercial Harbor Craft (CHC) on November 17, 2007. These regulations became effective on January 1, 2009. The primary purpose of the proposed amendments is to require that diesel-fueled engines on crew and supply, barge, and dredge vessels be subject to in-use engine requirements of the CHC regulation (title 17, CCR section 93118.5). The proposed amendments also include several additional clarifying and/or editorial amendments to the CHC regulation. Minor conforming amendments are proposed to the Low Sulfur Fuel Requirement Regulation for Commercial Harbor Craft (title 13, CCR section 2299.5) to align numbering changes to the CHC regulation.

DATE: June 24, 2010

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

¹Title 17, CCR section 93118.5. is known as the Commercial Harbor Craft Regulation (CHC regulation) and establishes emission standards, reporting, record keeping, fuel, and monitoring requirements for certain categories of marine vessels: Title 13, CCR section 2299.5 is the corresponding Low Sulfur Fuel Regulation for Commercial Harbor Craft.

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 24, 2010, and may continue at 8:30 a.m., June 25, 2010. This item may not be considered until June 25, 2010. Please consult the agenda for the meeting, which will be available at least 10 days before June 24, 2010, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendment of title 13, California Code of Regulations (CCR) section 2299.5 and title 17, CCR section 93118.5. The following documents would be incorporated in the amendments by reference: (1) the following National Oceanic and Atmospheric Administration (NOAA) Nautical Chart, as authored by the NOAA Office of Coast Survey: (G) Chart 18740, San Diego to Santa Rosa Island (March 2007); (2) U.S. Environmental Protection Agency (U.S. EPA) Tier 2 Nonroad Emission Standards, set forth in Title 40, Code of Federal Regulations (CFR) Part 89.112(a), (as it existed on April 27, 2010); (3) the U.S. EPA Tier 2 Family Emissions Limit set forth in Title 40, CFR Part 89.112(d), (as it existed on April 27, 2010); (4) U.S. EPA Tier 3 Nonroad Emission Standards set forth in Title 40, CFR Part 89.112(a), (as it existed on April 27, 2010); (5) the U.S. EPA Tier 3 Family Emissions Limit set forth in Title 40, CFR Part 89.112(d) (as it existed on April 27, 2010); (6) the U.S. EPA Final Tier 4 Nonroad Emission Standards, set forth in Title 40, CFR section Part 1039.101, (as it existed on April 27, 2010); (7) the U.S. EPA Tier 4 FEL set forth in Title 40, CFR Part 1039.101 (as it existed on April 27, 2010); (8) the U.S. EPA Interim Tier 4 Nonroad Emission Standards, set forth in Title 40, CFR Part 1039.101, (as it existed on April 27, 2010); (9) The methods and procedures set forth in Title 40, CFR Parts 94 and 1042 (as they existed on April 27, 2010); and (10) The methods and procedures set forth in Title 40, CFR Parts 89 and 1039 (as they existed on April 27, 2010).

Background: Over 90 percent of Californians breathe unhealthful air at times. To improve air quality and human health, ARB establishes requirements to reduce emissions from new and in-use on-road and off-road vehicles, engines, and other sources. The CHC regulation (title 17, CCR section 93118.5) and the corresponding Low Sulfur Fuel Requirement for Commercial Harbor Craft (title 13, CCR section 2299.5) are part of ARB’s ongoing effort to reduce PM and NO_x emissions from diesel-fueled engines and vehicles and improve air quality associated with goods movement.

Health and Safety Code (H&SC) sections 43013 and 43018 direct ARB to adopt standards and regulations that the Board has found to be necessary, cost-effective,

and technologically feasible for all mobile source categories, including off-road diesel engines and equipment such as marine vessels, through the setting of emission control requirements. Specifically, H&SC 43013 directs ARB to adopt such standards and regulations on marine vessels to the extent permitted by federal law.

The California Toxic Air Contaminant Identification and Control Program, established under California law by Assembly Bill 1807 (Stats. 1983, Ch. 1047) and set forth in H&SC sections 39650–39675, requires ARB to identify and control air toxicants in California. In 1998, the Board identified diesel PM as a toxic air contaminant (TAC) with no Board-specified threshold exposure level.

Following the identification of a substance as a TAC, H&SC section 39665 requires ARB, with participation of the air pollution control and air quality management districts (districts) and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance. Health and Safety Code section 39665(b) requires that this “needs assessment” address, among other things, the technological feasibility of proposed airborne toxic control measures (ATCMs) and the availability, suitability, and relative efficacy of substitute products or processes of a less hazardous nature.

A needs assessment for diesel PM was conducted between 1998 and 2000, which resulted in ARB’s development of the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Diesel RRP). The Diesel RRP presented information that identified the available options for reducing diesel PM and recommended control measures to achieve further reductions. The scope of the Diesel RRP was broad, addressing all categories of engines, both mobile and stationary.

Once ARB has evaluated the need and appropriate degree of regulation for a TAC, H&SC section 39666(c) requires ARB to adopt regulations to reduce emissions of the TAC from nonvehicular sources to the lowest level achievable through the application of best available control technology (BACT) or a more effective control method, in consideration of cost, risk, environmental impacts, and other specified factors. In developing the proposed amendments, State law also requires an assessment of the appropriateness of substitute products or processes.

The purpose of this proposed regulatory action is to reduce emissions of diesel PM and NO_x from in-use engines on crew and supply, barge and dredge vessels. Diesel PM emission reductions from commercial harbor craft are needed to reduce cancer risk, premature mortality, and other adverse health impacts from exposure to people who live in the vicinity of California’s

major ports and shipping lanes. The proposed amendments help to achieve the 2020 goals set forth in the 2000 Diesel RRP and the 2006 Emission Reduction Plan for Ports and Goods Movement of reducing diesel PM emissions and health risks by 85 percent. Reductions in diesel PM and NO_x (which forms “secondary” nitrate PM in the atmosphere as well as contributes to the formation of ozone) will also assist California in its goal of achieving and maintaining State and federal air quality standards.

Staff estimates about a 55 percent reduction in diesel PM emissions and a 25 percent reduction in NO_x emissions from crew and supply, barge, and dredge vessels due to the proposed amendments in 2025. The proposed amendments will reduce about 275 tons of diesel PM and 3,475 tons of NO_x emissions between 2011 and 2025. These emission reductions will occur in areas along waterways and near ports where environmental justice concerns are especially prevalent.

ARB staff has prepared a Staff Report: Initial Statement of Reasons (Staff Report) as part of this rulemaking. Together with the needs assessment (i.e., the Diesel RRP), this document serves as a report on the need and appropriate degree of regulation of diesel engines used on in-use crew and supply boats, barges, and dredges operating in Regulated California Waters.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

The ARB staff is proposing to amend the CHC regulation (title 17, CCR section 93118.5) that the Board adopted on November 17, 2007, and became effective January 1, 2009. The amendments primarily subject the diesel-fueled engines on crew and supply, barge, and dredge vessels to in-use engine requirements in the CHC regulation. Other clarifying and/or editorial amendments are also included. A more detailed description of the proposed amendments is presented below. Minor amendments to align section numbering are also proposed to the Low Sulfur Fuel Regulation for Commercial Harbor Craft (title 13, CCR section 2299.5).

Commercial Harbor Craft Regulation (title 17, CCR section 93118.5)

Applicability

The proposed amendments would extend the applicability of in-use engine requirements of the CHC regulation to in-use (existing) crew and supply, barge, and dredge vessels operating within any of the Regulated California Waters. Regulated California Waters include all California inland waters, all California estuarine waters, and all waters within a zone 24 nautical miles seaward of the California coastline, except for specified areas along the Southern California coastline.

Emission Limits

The proposed amendments would require in-use diesel engines on crew and supply, barge, and dredge vessels to meet United States Environmental Protection Agency (U.S. EPA) Tier 2 or Tier 3 marine or off-road (nonroad) engine standards in effect at the time the engine is required to comply under the proposed requirements.

In-Use Vessels

The proposed amendments would require that currently unregulated ("Tier 0") and Tier 1 in-use propulsion and auxiliary engines on crew and supply, barge, and dredge vessels meet emission limits equal to or more stringent than the U.S. EPA engine standards in effect for the year that in-use engine compliance is required under this proposal. Separate compliance schedules are proposed for crew and supply vessels and for barge and dredge vessels. The compliance schedules are based on engine model and horsepower and designed to remove the oldest, dirtiest engines first.

Allowing Certified Off-Road or Nonroad Engines to be used as Auxiliary Engines

The proposed amendments would allow vessel owners/operators more flexibility to comply with the CHC regulation by allowing currently available Tier 2 or higher certified off-road engines to meet the regulatory requirements for auxiliary engines. Owners/operators may elect to install a Tier 3 (marine or off-road) engine on a vessel as a replacement auxiliary engine after Tier 4 marine, interim Tier 4 and final Tier 4 off-road standards are in effect, but only if the engine being replaced is not a Tier 4 certified engine.

Adding "Swing Engine" Recordkeeping Requirements

The proposed amendments add a definition and reporting and recordkeeping requirements for swing engines. A swing engine is used to replace an existing engine that has to be removed from service for maintenance or repair. Swing engines would be considered in-use engines and must meet the applicable in-use engine compliance requirements.

Delete Multipurpose Harbor Craft Definition and Low Use Exemption

The "multipurpose harbor craft" term and definition, and the low use exemption in section (c)(12) have been removed in the proposed amendments. Instead, language has been added that allows a vessel owner/operator to operate vessel engines for up to 300 hours per year in any single category or combination of categories that are subject to in-use requirements. Barge and dredge vessels are limited to operating less than 80 hours per year to be exempt from the in-use engine compliance.

Special Circumstances to Use Non-CARB Diesel Fuel

The current CHC regulation requires CARB diesel fuel or specific alternative diesel fuel to be used. The proposed amendments would allow the use of U.S. EPA on-road diesel fuel or U.S. EPA nonroad diesel fuel (after June 1, 2010), in those situations where the vessel operator cannot obtain CARB diesel fuel prior to operating in Regulated California Waters.

Deadline for Alternative Control of Emission Plans

The current CHC regulation does not specify the date by which a vessel owner/operator must submit an annual Alternative Control of Emission (ACE) Plan. The proposed amendments would require the ACE to be submitted prior to or before February 28 of the year the vessel engine compliance is required.

Out-of-State Vessels Operating in California

The proposed amendments clarify that out-of-state CHC vessel owners/operators must complete an initial report within 30 days of a vessel being brought into California to operate in Regulated California Waters and to submit a Compliance Plan within 90 days demonstrating how the in-use engine requirements shall be met. All other applicable requirements of the CHC regulation shall be met upon initial operation of a vessel in Regulated California Waters.

Replacement Engine Exemption

The current CHC regulation requires that if an engine is replaced, the replacement engine must meet the U.S. EPA current model year marine engine standards. The proposed amendments provide the vessel owner/operator an exemption, in specific cases, to install a non-compliant engine if the owner/operator can demonstrate that a suitable engine replacement is not available, or that a new engine will not operate properly with the existing engines. The Executive Officer must approve any exemption request.

Allowing the Use of an Available Engine to Replace an Older Engine Subject to In-use Requirements

The proposed amendments would allow, in certain situations, an engine that does not meet the Tier 2 or Tier 3 requirements to be used on a temporary basis. The engine must be within the same fleet, and the original compliance date of the older, replaced engine must be kept.

Clarification of Requirements Applicable to Newly Acquired Ferry Vessels

The proposed amendments have been reworded to clarify existing requirements that owners/operators of new ferries having the capacity to transport 75 or more passengers are required to equip diesel propulsion engines that meet either Tier 2 or Tier 3 marine standards with BACT. BACT is not required for diesel propulsion engines that are certified to Tier 4 marine standards.

Compliance Extensions

The proposed amendments would expand the availability of the current compliance extension of subsection (e)(6)(E)4 to allow an owner to also request a compliance extension in situations where that owner has multiple vessels that are subject to compliance dates of 2011 or 2012 for crew and supply, barge, and dredge vessels, similar to the current compliance extension allowed for ferries, excursion vessels, tugboats, towboats, and push boats.

Exemptions

The proposed amendments would eliminate the exemption in section (c)(7)(C) of the current CHC regulation. This change will make harbor craft engines registered in the Portable Equipment Registration Program (PERP) or permitted by air districts prior to January 1, 2009 subject to the CHC regulation. This amendment aligns the CHC regulation with recent amendments to PERP, making all commercial harbor craft vessels, including barge and dredge vessels, subject to a single statewide regulation.

Definitions

The proposed amendments revise section (d) of the existing regulation by adding several definitions and deleting one to clarify the proposed amended language. Definitions that were added include, “certified nonroad engine”, “dredge”, “family emission limit”, “permanently affixed to a harbor craft”, “regulated in-use vessel”, “swing engine”, “tier 2 off-road or nonroad emission standards”, “tier 3 off-road or nonroad emission standards”, “tier 4 final off-road or nonroad emission standards”, “tier 4 interim off-road or nonroad emission standards” and deleting the definition of “multi-purpose harbor craft.” The amendments would also update a new chart incorporated by reference in “California Baseline” — “Chart 18740, San Diego to Santa Rosa Island” (March 2007 for April 2005).

Low Sulfur Fuel Requirements for CHC (title 13, CCR section 2299.5)

The proposed amendments to the CHC regulation will change the section numbers that are referenced in the Low Sulfur Fuel Requirement for CHC regulation. Proposed amendments to section 2299.5, title 13, CCR would align section numbers with proposed amendments to section 93118.5, title 17, CCR.

COMPARABLE FEDERAL REGULATIONS

U.S. EPA has already promulgated Tier 3 and Tier 4 standards for new marine and off-road (nonroad) engines. However, no federal standards have been promulgated addressing emission reductions from in-use commercial harbor craft engines. Under federal Clean

Air Act (CAA) section 213, U.S. EPA is without authority to adopt in-use standards for off-road (nonroad) engines, including marine engines.²

California is the only governmental entity in the United States authorized by the CAA, in the first instance, to adopt emission requirements for in-use off-road engines.³ Section 209(e)(1) of the CAA conclusively preempts states, including California, from adopting requirements for new off-road engines less than 175 horsepower that are used in farm or construction equipment. However, the proposed amendments address off-road engines used in marine vessels, rather than those used in farm or construction equipment. Under section 209(e)(2), California may adopt and enforce emission standards and other requirements for off-road engines and equipment not conclusively preempted by section 209(e)(1), so long as California applies for and receives authorization from the Administrator of U.S. EPA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposed regulatory amendments and which also describes the basis of the proposed action in more detail. The Staff Report is entitled, “Staff Report: Initial Statement of Reasons for the Proposed Rulemaking — Proposed Amendments to the Regulations to Reduce Emissions from Diesel Engines on Commercial Harbor Craft Operated Within California Waters and 24 Nautical Miles of the California Baseline.”

Copies of the ISOR with the full text of the proposed regulatory language may be accessed on the ARB’s website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on June 24, 2010.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB’s website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Todd Sterling, Air Pollution Specialist, at (916) 445-1034, or Carolyn Suer, Staff Air Pollution

²The California term “off-road” and the federal term “nonroad” refer to the same sources and are used interchangeably.

³See *Engine Manufacturers Association v. U.S. EPA* (D.C. Cir. 1996) 88 F.3d 1075, 1089-1091.

Specialist in the Control Strategies Section, at (916) 327-5985.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, and Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, and all subsequent regulatory documents, including the FSOR, when completed, are also available on the ARB website for this rulemaking at <http://www.arb.ca.gov/regact/2010/chc10/chc10.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

Costs to Businesses and Private Individuals

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

The total regulatory cost of compliance with the proposed amendments to the CHC regulation is expected to be about \$15 million in 2009 expenditure-equivalent dollars (2009 dollars). Regulatory costs are the estimated costs resulting from the proposed amendments taking into consideration the residual value of the in-use engine being replaced, the residual value of the most recent engine rebuild work, recordkeeping and reporting costs, and the time value of money associated with the early engine replacement. These costs would be spread over the years 2011 to 2022. On an annual basis, the cost would vary between approximately \$178,000 and \$2.7 million per year, averaging about \$1.3 million per year. Approximately 60 percent of the compliance costs will be incurred by the crew and supply boat fleets and 40 percent by the barge and dredge fleets.

New equipment costs are the total out-of-pocket costs of complying with the regulation, not taking into consideration the remaining useful life of the engine being replaced. New equipment costs are estimated to be approximately \$46 million (2009 dollars) spread over the years 2011 to 2022, with an average annual cost of about \$3.9 million. Specifically, the new equipment costs for purchasing and installing a new engine — are costs that the vessel owner would eventually pay, but

the proposed amendments require this service to be performed earlier than normal.

Staff estimates the cost-effectiveness of the proposed amendments in terms of dollars per pound of PM emission reduction to be about \$35 per pound (2009 dollars) if all the total annualized cost is attributed solely to the PM reduction. Since the proposal would also result in NO_x emission reductions, staff also evaluated cost-effectiveness by attributing half the total annualized cost to the PM emission reductions and half to the NO_x emission reductions. The resulting cost-effectiveness values using the latter method are about \$17 per pound of PM and \$2,700 per ton of NO_x. These values are based on the cost of regulatory compliance.

California businesses are affected by the proposed annual cost of the amendments to the extent that the implementation of the proposed amendments reduces their profitability. Overall, most affected businesses will be able to absorb the costs of the proposed amendments with no significant adverse impacts on their profitability. This finding is based on the staff's analysis of the estimated change in "return on owner's equity" (ROE). Dun and Bradstreet financial data were used for the analysis, when available, to determine the change in ROE for typical businesses from each industry category. The staff found that the average overall change in ROE was a 0.95 percent decline. This range in ROE reduction is not considered to represent a significant impact on profitability. Because the proposed amendments would not alter significantly the profitability of most businesses, we do not expect a noticeable change in employment, business creation, elimination, or expansion, and business competitiveness in California for these industries. The change in ROE is expected to be larger for a small business.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons based on the estimated change in ROE. A number of businesses are integrally linked to California ports. However, we do not believe that the added costs of the proposed amendments are high enough for crew and supply, barge, and dredge vessel operators to consider alternate ports outside of California. The ARB staff has considered proposed alternatives and evaluated the economic impact on businesses.

Alternatives that staff considered are described in more detail in the Staff Report.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action may affect the creation or elimination of jobs within the State of California, the

creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Some businesses that provide vessel repower services could expand due to the volume of business created by the regulatory requirements. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action would affect small businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed amended regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

In accordance with Health and Safety Code sections 43013(a) and (b), the Executive Officer has determined that the standards and other requirements in the proposed amended regulation are necessary, cost-effective, and technologically feasible for diesel engines on all commercial harbor craft and specifically crew and supply, barge, and dredge vessels operated within Regulated California Waters.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Costs to Local and State Government Agencies

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would create costs to one State agency, one federal agency, and two local agencies. The California Department of Parks and Recreation operates two crew and supply vessels that service Angel Island in the San Francisco Bay area and would be impacted by the in-use engine requirements. Regulatory cost to this state agency is estimated to be about \$60,000. Barge and dredge vessels are owned and operated by two local agencies in Santa Cruz and Monterey and by the federal agency, the United States Army Corps of Engineers. The estimated regulatory costs range from approximately \$1,900 to \$45,000 over the life of the regulation for these agencies that operate barge and dredge vessels. ARB may incur an additional cost of less than \$200,000 per year for implementation and enforcement beginning in 2011. The Executive Officer has also determined that the pro-

posed regulatory action would not create savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on May 10, 2010. To be considered by the Board, written comments, not physically submitted at the meeting must be submitted on or after May 10, 2010 and received **no later than 12:00 noon, Pacific Standard Time, June 23, 2010**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources
Board
1001 I Street, Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to ARB in Health and Safety Code sections 39600, 39601, 39650, 39658, 39659, 39666, 41511, 43013, and 43018. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 39000, 39001, 39515, 39516, 39650, 39658, 39659, 39666, 41510, 41511, 43013, 43016, and 43018; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with §11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

To request a special accommodation or language needs for any of the following:

- An interpreter to be available at the hearing.
- Have documents available in an alternate format (i.e. Braille, Large print) or another language.
- A disability-related reasonable accommodation.

Please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Para solicitar alguna comodidad especial o necesidad de otro idioma para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.

- Tener documentos disponibles en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Por favor (llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de diez (10) días laborales antes del día programado para la audiencia. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report CEIR to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication May 7, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Fallon Village Project
Alameda County
2080-2010-010-03

The Department of Fish and Game (Department) received a notice on April 23, 2010 that Braddock & Logan Services (Braddock) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project includes the construction of 1,043 residential homes, an elementary school, and roads on two parcels totaling 486 acres in Dublin, Alameda County, California (Project).

Project activities will result in permanent impacts to 351 acres of habitat suitable for both the California tiger

salamander (*Ambystoma californiense*) and the San Joaquin kit fox (*Vulpes macrotis mutica*). Individual California tiger salamanders and San Joaquin kit foxes will be subject to take from project related activities within the entire action area. The action area consists of the entire 1,132-acre Fallon Village planning area, 836-acre Brown Ranch, and roads (except for County roads, and State and Federal highways) and other areas accessed by project vehicles.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1-1-06-F-0156)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on August 3, 2006, which considered the effects of the project on the Federally threatened and State threatened California tiger salamander and the Federally endangered and State threatened San Joaquin kit fox. Pursuant to California Fish and Game Code Section 2080.1, Braddock is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Braddock will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication May 7, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Savage Way Rehabilitation Project
Calaveras and San Joaquin Counties
2080-2010-011-02

The Department of Fish and Game (Department) received a notice on April 23, 2010 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project entails widening and realigning State Route 26 from Ospital Road in San Joaquin County to Savage Way in Calaveras County (Project). Project construction activities will have permanent adverse effects on 1.28 acres of vernal pool habitat and 8.84 acres of upland habitat suitable for the California tiger salamander (*Ambystoma californiense*). Individual California tiger salamander may also be directly injured, killed, harmed, and harassed by activities that disturb breeding, migration, dispersal, and aestivation habitat.

The U.S. Fish and Wildlife Service, (Service) issued a “no jeopardy” federal biological opinion

(1-1-03-F-0053)(BO) and incidental take statement (ITS) to the Federal Highway Administration (FHA) on February 15, 2006 — with amendments on November 27, 2006 and March 15, 2007 — which considered the effects of the project on the Federally threatened and State threatened California tiger salamander.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS, as amended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice
For Publication May 7, 2010
PROPOSED RECOVERY ACTIONS FOR
A FULLY PROTECTED SPECIES
Recovery actions for California Least Terns at
Montezuma Wetlands Project, Suisun Bay, CA
(*Sternula antillarum browni*)**

The Department of Fish and Game (Department) received a proposal on December 22, 2008 from Anne Wallace requesting authorization to monitor California least tern (*Sternula antillarum browni*) nesting colonies at the site of the Montezuma Wetlands Project on Suisun Bay near Montezuma Slough. Montezuma Wetlands is a 2400-acre wetland-restoration project. California least terns began nesting at the project site in 2006. The purpose of activities is to monitor nesting and fledging success of California least terns each year they are present.

Nest monitoring includes surveying the project site once every 7 to 14 days from mid May through the end of the nesting season, which is typically late July to mid August. Surveys involve driving levee roads to document the locations of nesting birds, scanning colonies with binoculars or spotting scope to count nests, chicks, and/or fledglings, using the truck as a blind or approaching colonies on foot.

The applicant has obtained the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally-listed endangered spe-

cies, the applicant already possesses a valid federal Threatened and Endangered Recovery permit (TE800291) that authorizes activities at the Montezuma Wetlands Project Site in Solano County.

Pursuant to California Fish and Game Code (FGC) Section 3511, the Department may authorize take of fully protected and state-listed species after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take, it would issue the authorization requested. Contact: Wildlife Branch, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**NOTICE OF PUBLIC COMMENT PERIOD
Second Consent Decree
For BKK Landfills Facility
2210 South Azusa Avenue
West Covina, California**

**30-Day PUBLIC COMMENT PERIOD
May 7, 2010 through June 7, 2010**

The Department of Toxic Substances Control (DTSC) invites you to comment on its proposal to finalize a Second Consent Decree regarding the approximately 195-acre BKK Class I (hazardous waste) landfill, which is part of the larger 583-acre BKK Landfills Facility. The First Amended Consent Decree concerning the BKK Class I landfill has been in effect since March 2006. DTSC entered into the First and Second Consent Decrees pursuant to the authority vested in DTSC under Section 107 of CERCLA, 42 U.S.C. § 9607, and California Health and Safety Code section 25358.3(e).

On or about May 5, 2010, DTSC filed a second complaint in United States District Court, Central District of California against a number of defendants under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 *et seq.* and the California Health and Safety Code section 25358.3(e). The Second Consent Decree is intended to resolve the liability of the defendants for certain DTSC past and future response costs, and for oversight costs that DTSC will incur during the time that the defendants conduct site activities. The Second Consent Decree obligates the defendants to conduct certain work at the BKK Landfills Facility for at least three (3) years. In return, the Second Consent Decree provides covenants not to sue and contribution

protection for these costs and work, and provides for standstills and tolling of litigation deadlines among the parties to the Second Consent Decree.

The proposed Second Consent Decree is available for public review during the 30-day comment period from May 7, 2010 through June 7, 2010.

TELL DTSC WHAT YOU THINK

DTSC wants to know what you think of the proposed Second Consent Decree and DTSC encourages your participation. The proposed Second Consent Decree and the administrative record are available at the West Covina Public Library located at 1601 West Covina Parkway, West Covina, California 91790, (626) 962-3541, and at DTSC's office located at 5796, Corporate Avenue, Cypress, California, 90630, (714) 484-5337. The proposed Second Consent Decree, the administrative record index and many of the documents in the administrative record are also available on DTSC's EnviroStor Web site at: <http://www.dtsc.ca.gov/HazardousWaste/Projects/BKK.cfm>.

Comments on the proposed Second Consent Decree must be submitted in writing no later than June 7, 2010. Comments sent by fax should also be mailed. Comments sent only by mail must be postmarked by June 7, 2010. All comments should refer to the BKK Landfills Facility Second Consent Decree.

If the comments disclose facts or considerations that indicate the Second Consent Decree is inappropriate, improper or inadequate, DTSC may withhold its consent or modify the Second Consent Decree. The Court will make the final approval decision. If approved, the Second Consent Decree will become a legally binding order of the Court.

Comments must be sent to:

Marilee Hanson Department of Toxic Substances
Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 95812-0806
E-mail: mhanson@dtsc.ca.gov
Fax: (916) 323-5542

With copy to:

Jim Dragna
Bingham McCutchen
355 South Grand Avenue
Los Angeles, California 90071-3106
E-mail: jim.dragna@bingham.com
Fax: (213) 830-8636

WHOM TO CONTACT

If you have any questions, please contact Marilee Hanson, Office of Legal Counsel at (916) 327-0979, e-mail mhanson@dtsc.ca.gov and Tim Chauvel, Public Participation Specialist at (714) 484-5487, e-mail tchauvel@dtsc.ca.gov. For media inquiries only, please contact Jeanne Garcia, Public Information Officer at (818) 717-6573, e-mail jgarcia1@dtsc.ca.gov.

Notice to Hearing Impaired: You may obtain additional information by using the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact Tim Chauvel at (714) 484-5487.

**For more information about DTSC: please visit
www.dtsc.ca.gov**

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

EXTENSION OF PUBLIC COMMENT PERIODS: NOTICE OF INTENT TO LIST ACRYLAMIDE AND FOR THE PROPOSED REGULATORY ADOPTION OF A MAXIMUM ALLOWABLE DOSE LEVEL (MADL) FOR ACRYLAMIDE

May 7, 2010

[Posted on the OEHHA web site on April 23, 2010]

On February 26, 2010, the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) published in the *California Regulatory Notice Register* (Register 2010, No. 9-Z) a Notice of Intent to List soliciting information relevant to the administrative listing of acrylamide as a chemical known to cause reproductive toxicity. On the same date, OEHHA also published a Notice of Proposed Rulemaking for acrylamide. OEHHA proposed

to establish a maximum allowable dose level (MADL) for the chemical in Title 27, California Code of Regulations, section 25805. The public comment periods are scheduled to close on Tuesday, April 27, 2010. As stated in both February 26 notices, in the event acrylamide is not listed for reproductive toxicity, OEHHA will not proceed with the adoption of the MADL.

OEHHA has received a request to extend the comment periods for both the administrative listing for acrylamide and the proposed MADL for acrylamide. OEHHA hereby extends the public comment periods until close of business on **Thursday, May 27, 2010**.

We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail on the listing of acrylamide should be addressed to coshita@oehha.ca.gov. Comments transmitted by e-mail on the proposed MADL should be addressed to sluong@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the respective contact persons identified above at the addresses below:

Mailing Address: Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010

Fax: (916) 323-8803

Street Address: 1001 I Street
Sacramento, California 95814

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

EXTENSION OF PUBLIC COMMENT PERIOD: PROPOSITION 65 REGULATORY UPDATE PROJECT PROPOSED AMENDMENTS TO SECTIONS 25801, 25803, AND 25805 NO OBSERVABLE EFFECT LEVELS

APRIL 23, 2010

On April 14, 2010, the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) held a pre-regulatory public workshop to discuss draft language for proposed amendments to Section 25801, 25803, and 25805 of the

California Code of Regulations, Title 27.¹ These sections, which fall within Article 8 of the Proposition 65 implementing regulations, set out the procedures and criteria for determining an exposure level where there would be no observable effect. The public comment periods are scheduled to close on Wednesday, April 28, 2010.

OEHHA has received a request to extend the comment period for these proposed regulatory amendments. OEHHA hereby extends the public comment periods until close of business on **Friday, May 28, 2010**.

We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail on the proposed regulatory amendments should be addressed to fkammerer@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Fran Kammerer
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010

Fax: (916) 323-8803

Street Address: 1001 I Street
Sacramento, California 95814

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0317-04
CALIFORNIA HIGHWAY PATROL
General Hazardous Materials Regulations

This rulemaking action implements Assembly Bill 463, Chapter 111 of 2009, to enable the Department of the California Highway Patrol to issue a hazardous materials transport license to a motor carrier even if the

¹ All further references are to sections of Title 27, of the California Code of Regulations, unless otherwise noted.

carrier has been issued an unsatisfactory rating for one or more of its terminals during the previous three years, so long as the carrier has corrected the unsatisfactory rating prior to applying for a license. The action also clarifies that a carrier may apply for renewal of a hazardous materials transport license within 30 days after the expiration of the license, so long as the carrier did not transport hazardous materials during the period the license was expired.

Title 13

California Code of Regulations

AMEND: 1160.3, 1160.4

Filed 04/27/2010

Effective 05/27/2010

Agency Contact:

Cullen Sisskind (916) 445-1865

File# 2010-0309-02

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**Tactical Medicine Course**

This regulatory action establishes the course content recommendations pursuant to Penal Code section 13514.1 for Tactical Medicine Training courses. The amendment to Title 11 section 1084 of the California Code of Regulations establishes the minimum number of hours of training and the topical areas for the courses.

Title 11

California Code of Regulations

AMEND: 1084

Filed 04/21/2010

Effective 05/21/2010

Agency Contact: Patti Kaida (916) 227-4847

File# 2010-0325-03

DEPARTMENT OF CORRECTIONS AND REHABILITATION**Adult Parole Discharge Reviews**

The California Department of Corrections and Rehabilitation, Division of Adult Parole Operations (DAPO), proposed adoption of regulations for reserved sections under div. 3, ch. 1, subch. 6, art. 15 of title 15, California Code of Regulations for adult parolee discharges. The proposed regulations for reserved sections 3720, 3721, 3721.1, 3722, and 3723 make specific the review and discharge requirements of Penal Code sections 3000, 3000.03, 3000.1, and 3001, and provide language that clarifies the adult parole discharge review process, the discharge review periods that are to be adhered to, and the process that is to be followed by DAPO staff when producing a discharge review report. The proposed regulations establish factors that shall be considered when conducting discharge reviews, specify

criteria that may indicate if there is good cause to retain a parolee on parole and when a parolee shall be referred to the Board of Parole Hearings for discharge, and provide a statewide standardized process for adult parolee discharge reviews that were previously subject to local interpretation.

Title 15

California Code of Regulations

ADOPT: 3720, 3721, 3721.1, 3722, 3723

Filed 04/26/2010

Effective 05/26/2010

Agency Contact:

Randy Marshall (916) 255-5785

File# 2010-0322-02

DEPARTMENT OF FOOD AND AGRICULTURE**Mediterranean Fruit Fly Interior Quarantine**

This Certificate of Compliance rulemaking action makes permanent the emergency changes made to subsections (b) and (c) of Section 3406 of Title 3 of the California Code of Regulations by three previous emergency rulemaking actions. The emergency rulemaking actions added and then expanded interior quarantine areas for the Mediterranean Fruit Fly (MFF) in San Diego County, added an interior quarantine area for the MFF in Los Angeles County, added seven host plants to the list of regulated articles so as to more fully regulate known hosts of the MFF, and removed the exemption for the interstate movement of smooth-skinned lemons from MFF quarantined areas.

Title 3

California Code of Regulations

AMEND: 3406(b), 3406(c)

Filed 04/22/2010

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2010-0415-03

DEPARTMENT OF FOOD AND AGRICULTURE**Light Brown Apple Moth Interior Quarantine**

The Department of Food & Agriculture proposed emergency amendment to title 3, California Code of Regulations, section 3434(b) to expand quarantine areas for the Light Brown Apple Moth (LBAM), *Epiphyas postvittana*, in several counties due to recent LBAM detections in accordance with the U.S.D.A. regulatory protocol issued in Phytosanitary Advisory No. 31-2007. Several portions of the contiguous quarantine area of Contra Costa, San Benito, Solano and Sonoma counties would be expanded by approximately 25 square miles. A new quarantine area of approximately 17 square miles would be established in the Allendale area of Solano County. The Long Beach area of Los Angeles County would expand by approximately seven

square miles. The quarantine area in Kenwood, Sonoma County would expand by approximately five square miles. The Healdsburg area of Sonoma County would expand by less than one half of a square mile. This would result in a total of approximately 4,606 square miles under regulation for the LBAM within the State.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 04/22/2010
Effective 04/22/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0319-01
DEPARTMENT OF INSURANCE
Workers' Compensation Pure Premium Rates

This action makes annual amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995. The plans are incorporated by reference in T10 CCR sections 2318.6, 2353.1 and 2354 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

Title 10
California Code of Regulations
AMEND: 2318.6, 2353.1, 2354
Filed 04/28/2010
Effective 01/01/2010
Agency Contact:
Christopher A. Citko (916) 492-3187

File# 2010-0319-02
DEPARTMENT OF INSURANCE
Worker's Compensation Pure Premium Rates

This action makes amendments to the California Workers' Compensation Experience Rating Plan—1995. The plan is incorporated by reference in T10 CCR section 2353.1 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

These amendments are exempt from OAL review under the rates, prices or tariffs exemption of Government Code section 11340.9(g). These amendments become operative January 1, 2011.

Title 10
California Code of Regulations

AMEND: 2353.1
Filed 04/28/2010
Effective 01/01/2011
Agency Contact:
Christopher A. Citko (916) 492-3187

File# 2010-0319-03
DEPARTMENT OF INSURANCE
Workers' Compensation Pure Premium Rates

This action makes amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995. The plan is incorporated by reference in T10 CCR section 2318.6 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

These amendments are exempt from OAL review under the rates, prices or tariffs exemption of Government Code section 11340.9(g). These amendments are operative July 1, 2010.

Title 10
California Code of Regulations
AMEND: 2318.6
Filed 04/28/2010
Effective 07/01/2010
Agency Contact:
Christopher A. Citko (916) 492-3187

File# 2010-0323-05
DEPARTMENT OF MENTAL HEALTH
Contraband Electronic Devices

This rulemaking is the certificate of compliance for 2009-1015-04E that added in title 9 a new chapter 16 titled, "State Hospital Operations" and adopted new section 4350 dealing with contraband electric devices.

Title 9
California Code of Regulations
ADOPT: 4350
Filed 04/28/2010
Agency Contact: Steven Appel (916) 654-2319

File# 2010-0413-02
FISH AND GAME COMMISSION
Marine Protected Areas — North Central Coast of California

In this rulemaking action, the California Fish and Game Commission proposed amending and adding Marine Protected Areas (MPAs) to title 14, California Code of Regulations, section 632(b) to improve the array of these areas along the north central coastal region (from Alder Creek, near Point Arena (Mendocino County) to Pigeon Point (San Mateo County) and extending three nautical miles from the coast.) Amend-

ments to Section 632(b) affect 21 MPAs and three Marine Managed Areas, of which 15 are amendments of existing areas and nine are newly added, and six special closure areas, along with specific restrictions on activities, use, or taking of fish or game as specified in each area. Each area has a name designation that includes the category of managed area (e.g., "Marine Reserve") and is generally described with boundaries that reference the mean high or low tide lines along shorelines, latitude and longitude coordinates, and, where applicable, the three nautical mile offshore boundary.

Title 14
California Code of Regulations
AMEND: 632
Filed 04/27/2010
Effective 05/01/2010
Agency Contact:
Sherrie Fonbuena (916) 654-9866

File# 2010-0413-01
MANAGED RISK MEDICAL INSURANCE
BOARD
AIM Enrollment Limitations

This emergency action conforms the procedure for making a determination of whether AIM program funding is sufficient to cover the cost of new enrollments with the current practice of the Board, specifying the decisions that are the responsibility of the Board, and those that shall be made by the Executive Director.

Title 10
California Code of Regulations
AMEND: 2699.202
Filed 04/21/2010
Effective 04/21/2010
Agency Contact: Dianne Knox (916) 324-0592

File# 2010-0317-03
SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD
Board Approved Institutions/Supervision Courses

This regulatory action makes the following amendments: requirements regarding training programs for licensure; the required frequency for supervision training; the number of continuing professional development hours for which self-study is allowed; and no longer classifies supervision training as an indirect patient care type of course.

Title 16
California Code of Regulations
AMEND: 1399.152, 1399.153.3, 1399.160.3, 1399.160.4
Filed 04/27/2010
Effective 05/27/2010
Agency Contact:
Annemarie Del Mugnaio (916) 263-2666

File# 2010-0309-01
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; Fiscal Crisis Regulations

This certificate of compliance makes permanent the prior emergency regulatory amendments (OAL file no. 2009-1216-10E) that extended until January 1, 2011, the State Allocation Board's (SAB) authority to find school bond apportionments and preliminary apportionments "inactive" to help prevent the apportionments from expiring during California's current fiscal crisis. This action responds to the Pooled Money Investment Board's temporary halt of disbursements for capital projects, including the construction of public schools, on December 17, 2008. The amendments continue the SAB's authority for an additional year to help protect school facility projects from expiring under three programs: (1) New Construction/Modernization Program, (2) Critically Overcrowded School Facilities Program (COS Program), and (3) Charter School Facilities Program (CSFP).

Title 2
California Code of Regulations
AMEND: 1859.96, 1859.148.2, 1859.166.2
Filed 04/21/2010
Agency Contact: Robert Young (916) 375-5939

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 25, 2009 TO
April 28, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2
04/08/10 AMEND: 1859.76
03/23/10 AMEND: 18351

03/19/10 ADOPT: 59670
 03/19/10 AMEND: 18942 REPEAL: 18630
 03/11/10 AMEND: 18932.4
 02/24/10 AMEND: 1859.2, 1859.41, Form SAB
 50-01, Form SAB 50-02
 02/23/10 AMEND: div. 8, ch. 16, sec. 37000
 02/19/10 AMEND: 52400
 02/11/10 ADOPT: 18421.9 AMEND: 18431
 02/11/10 AMEND: 18950.3
 02/09/10 ADOPT: 59660
 01/26/10 ADOPT: 1899.570, 1899.575, 1899.580,
 1899.585
 01/25/10 AMEND: 58100
 01/19/10 AMEND: div.8, ch. 102, sec. 59100
 01/14/10 AMEND: Section 27000
 01/13/10 ADOPT: div. 8, ch. 119, sec. 59640
 01/11/10 ADOPT: 18229.1, 18944 REPEAL:
 18944
 01/05/10 AMEND: div. 8, ch. 49, sec. 53800
 12/22/09 AMEND: 1859.96, 1859.148.2,
 1859.166.2
 12/21/09 AMEND: 1896.4, 1896.12
 12/21/09 ADOPT: 20714.5 AMEND: 20711,
 20712, 20714, 20716, 20717, 20718,
 20719

Title 3

04/22/10 AMEND: 3434(b)
 04/22/10 AMEND: 3406(b), 3406(c)
 04/20/10 AMEND: 3437(b)
 04/15/10 AMEND: 3434(b)
 04/05/10 AMEND: 3434(b)
 03/24/10 ADOPT: 3436
 03/24/10 AMEND: 3588
 03/17/10 AMEND: 3423(b)
 03/15/10 AMEND: 3434(b)
 03/10/10 AMEND: 3591.20(a)
 03/10/10 AMEND: 3434(b)
 03/04/10 AMEND: 3700(c)
 03/04/10 AMEND: 3406(b)
 03/03/10 REPEAL: 3279, 3433
 03/03/10 AMEND: 3591.20
 03/03/10 AMEND: 3406(b)
 03/03/10 AMEND: 3423(b)
 03/03/10 ADOPT: 3437
 02/26/10 AMEND: 3435
 02/18/10 AMEND: 3591.23
 02/18/10 ADOPT: 3591.24
 01/25/10 AMEND: 3434(b)
 01/25/10 AMEND: 3406(b)
 01/25/10 ADOPT: 1430.54, 1430.55, 1430.56,
 1430.57
 01/19/10 ADOPT: 3436
 01/12/10 AMEND: 3434(b)
 01/11/10 AMEND: 3406(b) and (c)

01/06/10 AMEND: 3435(b)
 01/04/10 AMEND: 2675, 2734, 2735
 12/31/09 AMEND: 3434(b), (c), (e)
 12/29/09 AMEND: 3423(b)
 12/28/09 AMEND: 3434(b)
 12/28/09 AMEND: 3434(b)
 12/16/09 AMEND: 3591.20(a)
 12/16/09 AMEND: 3406(b)(c)
 11/25/09 AMEND: 3435(b)

Title 4

04/13/10 ADOPT: 12350, 12351, 12352, 12353,
 12354, 12355 AMEND: 12008, 12335,
 12340, 12342, 12343 renumbered as and
 merged with amended 12342, 12344
 renumbered as and merged with amended
 12345, and 12348 renumbered as 12346
 REPEAL: 12347
 04/06/10 ADOPT: 12372, 12395, 12396 AMEND:
 12370
 03/29/10 AMEND: 1685
 03/29/10 AMEND: 1632
 03/25/10 AMEND: 10175, 10176, 10177, 10178,
 10179, 10180, 10181, 10182, 10185,
 10187, 10188, 10190
 03/15/10 ADOPT: 12482
 02/01/10 AMEND: 1867
 01/29/10 AMEND: 1866
 01/27/10 AMEND: 10020
 01/27/10 AMEND: 1890
 01/27/10 AMEND: 1859
 01/27/10 AMEND: 1843.6 and 1858
 12/17/09 AMEND: 8070, 8072, 8073, 8074
 12/09/09 AMEND: 12388
 12/08/09 ADOPT: 12218.8, 12218.9, 12238,
 12239 AMEND: 12200.9, 12200.10A,
 12200.11, 12200.13, 12203.2, 12205.1,
 12218, 12218.7, 12220.13, 12220.18,
 12220.23, 12225.1, 12233, 12235

Title 5

04/15/10 AMEND: 19816, 19816.1
 04/12/10 REPEAL: 40503
 04/12/10 AMEND: 42002
 02/26/10 AMEND: 19824, 19851, 19854
 02/01/10 ADOPT: 70030, 70040, 71135, 71320,
 71390, 71395, 71400.5, 71401, 71475,
 71480, 71485, 71640, 71650, 71655,
 71716, 71750, 71760, 74110, 74115,
 76020, 76140, 76212, 76240 AMEND:
 70000, 70010, 70020, 71100, 71110,
 71120, 71130, 71140, 71150, 71160,
 71170, 71180, 71190, 71200, 71210,
 71220, 71230, 71240, 71250, 71260,
 71270, 71280, 71290, 71300, 71310,
 71340, 71380, 71400, 71405, 71450,

71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010	01/21/10 01/21/10 01/04/10 12/18/09 12/16/09 12/16/09 04/06/10 03/24/10 03/10/10 02/03/10 02/02/10 12/09/09 12/02/09 04/28/10 04/20/10 12/21/09 12/21/09 04/28/10 04/28/10 04/21/10 04/21/10 04/13/10 04/12/10 04/06/10 04/01/10	ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5 AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225 AMEND: 41905 ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736 Title 8 AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8 AMEND: 4301 AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B AMEND: 5155 AMEND: 1549(h) AMEND: 9812, 10111.2 AMEND: 4086 Title 9 ADOPT: 4350 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533 ADOPT: 9550 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533 Title 10 AMEND: 2318.6, 2353.1, 2354 AMEND: 2353.1 AMEND: 2699.202 AMEND: 2699.202 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10 AMEND: 2690 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3,
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	1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122	12/01/09	AMEND: 2699.200, 2699.201
		Title 11	
		04/21/10	AMEND: 1084
		03/30/10	AMEND: 1084
		01/11/10	38.3
		01/05/10	AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911
		Title 13	
		04/27/10	AMEND: 1160.3, 1160.4
		04/13/10	AMEND: 1201, 1212, 1213
		04/05/10	ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409
		04/01/10	AMEND: 1961, 1961.1
		04/01/10	AMEND: 1961, 1961.1
		03/25/10	AMEND: 2480
		03/04/10	ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14
		03/03/10	AMEND: 423.00
		02/22/10	AMEND: 350.36, 350.38, 350.40, 350.44, 350.46
		01/14/10	ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978
		01/05/10	AMEND: 553.70
		12/31/09	AMEND: 2449, 2449.1, 2449.2
		12/31/09	AMEND: 2449, 2449.1, 2449.2
		12/15/09	ADOPT: 155.07 AMEND: 155.05
		12/09/09	ADOPT: 2025
		12/03/09	AMEND: 425.01
		Title 13, 17	
		12/03/09	AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5
		Title 14	
		04/27/10	AMEND: 632
		04/20/10	AMEND: 895.1, 914.6, 934.6, 954.6, 1024, 1025, 1026, 1030, 1052, 1052.1, 1052.4, 1092, 1092.01, 1092.09, 1092.29
		03/29/10	ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 REPEAL: 18456.2.1, 18460.2.1
		03/10/10	AMEND: 670.5
		02/23/10	AMEND: 1052(a)
		02/18/10	AMEND: 155
		02/16/10	ADOPT: 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4,
03/29/10	AMEND: 2202, 2203		
03/18/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507		
02/23/10	ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911		
02/23/10	ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g))		
02/03/10	AMEND: 2695.85		
01/21/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741		
01/07/10	AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4		
12/15/09	REPEAL: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5		
12/08/09	AMEND: 2699.6603		
12/07/09	ADOPT: 2309.2, 2309.3, 2309.4, 2309.5, 2309.6, 2309.7, 2309.8, 2309.9, 2309.10, 2309.11, 2309.12, 2309.13, 2309.14, 2309.15, 2309.16, 2309.17, 2309.18, 2309.20		
12/03/09	AMEND: 2698.600, 2698.602		
12/01/09	ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8 AMEND: 2031.9, 2031.10		
12/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10		
12/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10		

15130, 15150, 15183, Appendix F, Appendix G

02/09/10 ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74, 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81, 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80, 27.92, 29.90, 700, 701

02/03/10 AMEND: 11960

02/01/10 AMEND: 1257

01/29/10 AMEND: 791.7, 792

01/28/10 AMEND: 2090, 2425, 2525, 2530

01/14/10 ADOPT: 749.5

01/13/10 REPEAL: 1.18

01/08/10 AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26

12/29/09 AMEND: 4609

12/21/09 AMEND: 670.5

12/21/09 AMEND: 2310, 2320

12/02/09 AMEND: 699.5

12/01/09 AMEND: 895, 895.1, 898, 914.8, 916, 916.2, 916.5, 916.9, 916.11, 916.12, 923.3, 923.9, 916.9.1, 923.9.1, 934.8, 936.5, 936, 936.2, 936.9, 936.9.1, 936.11, 936.12, 943.3, 943.9, 943.9.1, 954.8, 956.5, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9

11/30/09 ADOPT: 1022.4, 1022.5, 1024.6 AMEND: 1035.3, 1090.12, 1092.14

11/30/09 AMEND: 1052, 1052.1, 1052.4

11/25/09 AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10

Title 15

04/26/10 ADOPT: 3720, 3721, 3721.1, 3722, 3723

02/24/10 AMEND: 7001

02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565

02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)

01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2

01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C), 3075.3(c), 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504

01/07/10 AMEND: 1, 100, 102, 260, 261, 262, 263, 351, 352, 353, 354, 355, 356, 358, 1006, 1010, 1029, 1032, 1045, 1055, 1056, 1063, 1081, 1083, 1084, 1100, 1122, 1140, 1160, 1245, 1260, 1264, 1272, 1280

01/07/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6

12/29/09 ADOPT: 3378.3 AMEND: 3000, 3378.1

12/21/09 AMEND: 3287, 3290

Title 16

04/27/10 AMEND: 1399.152, 1399.153.3, 1399.160.3, 1399.160.4

04/12/10 ADOPT: 3340.36.1

03/29/10 ADOPT: 1355.4

03/16/10 ADOPT: 311.1

03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1, 1017.1

03/08/10 AMEND: 4100

02/24/10 AMEND: 4120

02/22/10 ADOPT: 2262.1 AMEND: 2262

02/18/10 ADOPT: 50.1

02/16/10 ADOPT: 318.1

01/06/10 AMEND: 1505

01/06/10 ADOPT: 2.4

01/06/10 ADOPT: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8 AMEND: 1751, 1751.01, 1751.02, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, 1751.9 REPEAL: 1716.1, 1716.2, 1751.1, 1751.6, 1751.9

12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89

12/16/09 ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42

12/10/09 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6

12/09/09 AMEND: 1314.1

12/03/09 AMEND: 1338

11/30/09 AMEND: 832.45, 832.46, 861 REPEAL: 842

11/30/09 AMEND: 2286

Title 17

04/15/10 AMEND: 95480.1, 95481, 95486

04/07/10 AMEND: 1031.2, 1031.3

02/08/10 AMEND: 95362, 95365, 95366, 95367, 95368

01/12/10	ADOPT: 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95489, 95490	97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.50, 97200
12/28/09	ADOPT: 95340, 95341, 95342, 95343, 95344, 95345, 95346	AMEND: 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97194 (renumbered as 97199), 97196, 97198
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